

AMENDED IN SENATE JUNE 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 510

Introduced by Assembly Members Rodriguez and Williams

February 23, 2015

An act to ~~add and repeal Section 53122 of the Government Code, relating to emergency services; repeal and amend Section 41030 of the Revenue and Taxation Code, relating to emergency services, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as amended, Rodriguez. ~~Emergency services; 911 emergency communication system; telephone user surcharge.~~

The Emergency Telephone Users Surcharge Act generally imposes a surcharge on amounts paid by every person in the state for intrastate telephone service to provide revenues sufficient to fund "911" emergency telephone system costs, and requires the Office of Emergency Services to annually determine the surcharge rate, subject to a specified formula, that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs, as specified.

This bill would instead impose the surcharge at a flat monthly rate of between \$0.15 and \$0.75, determined annually by the office.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Warren-911-Emergency Assistance Act requires a local public agency to adopt a plan to implement a 911 emergency telephone response system, and establishes the State 911 Advisory Board to advise on specified subjects relating to the state's 911 emergency telephone response system.~~

Existing law requires the Office of Emergency Services to determine annually, on or before October 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs, as specified.

Existing law also requires the office to develop a plan and timeline of target dates for testing, implementing, and operating a Next Generation 911 emergency communication system, including text to 911 service, throughout this state. Existing law requires the office, in determining the surcharge rate, to additionally include costs it expects to incur, consistent with the plan and timeline, to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service. Existing law requires the office, at least one month before determining the surcharge rate, to prepare a summary of the calculation of the proposed surcharge and make it available to the Legislature and the 911 Advisory Board, and on the office's Internet Web site.

This bill would require the office, by January 1, 2017, to conduct a comprehensive review of California's 911 emergency communications system, including all public safety answering points, available technology, funding needs, and telephone and equipment limitations; and provide a report on its findings to the Legislature, to include specified information and recommendations.

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41030 of the Revenue and Taxation Code,
2 as added by Section 6 of Chapter 885 of the Statutes of 2014, is
3 repealed.
4 41030. (a) The Office of Emergency Services shall determine
5 annually, on or before October 1, a surcharge rate that it estimates
6 will produce sufficient revenue to fund the current fiscal year's
7 911 costs. The surcharge rate shall be determined by dividing the
8 costs (including incremental costs) the Office of Emergency
9 Services estimates for the current fiscal year of 911 plans approved
10 pursuant to Section 53115 of the Government Code, less the
11 available balance in the State Emergency Telephone Number
12 Account in the General Fund, by its estimate of the charges for
13 intrastate telephone communications services and VoIP service to

1 which the surcharge will apply for the period of January 1 to
2 December 31, inclusive, of the next succeeding calendar year, but
3 in no event shall the surcharge rate in any year be greater than
4 three-quarters of 1 percent nor less than one-half of 1 percent.

5 (b) This section shall become operative on January 1, 2020.

6 SEC. 2. Section 41030 of the Revenue and Taxation Code, as
7 amended by Chapter 926 of the Statutes of 2014, is amended to
8 read:

9 41030. (a) The Office of Emergency Services shall determine
10 annually, on or before October 1, to be effective on January 1 of
11 the following year, a surcharge rate pursuant to subdivision (b)
12 that it estimates will produce sufficient revenue to fund the current
13 fiscal year's 911 costs.

14 (b) (1) The surcharge rate shall be determined by dividing the
15 costs (including incremental costs) the Office of Emergency
16 Services estimates for the current fiscal year of 911 costs approved
17 pursuant to Article 6 (commencing with Section 53100) of Chapter
18 1 of Part 1 of Division 2 of Title 5 of the Government Code, less
19 the available balance in the State Emergency Telephone Number
20 Account in the General Fund, by its estimate of the charges for
21 intrastate telephone communications services and VoIP service to
22 which the surcharge will apply for the period of January 1, 2015,
23 to December 31, inclusive, of the next succeeding calendar year,
24 but in no event shall the surcharge rate in any year be greater than
25 three-quarters of 1 percent nor less than one-half of 1 percent.

26 (2)

27 (b) Commencing with the calculation made October 1, 2015,
28 to be effective January 1, 2016, the surcharge shall be determined
29 by dividing the costs (including incremental costs) the Office of
30 Emergency Services *using* estimates for the current fiscal year of
31 911 costs approved pursuant to Article 6 (commencing with Section
32 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the
33 Government Code, less the available balance in the State
34 Emergency Telephone Number Account in the General Fund, by
35 its estimate of the charges for intrastate telephone communications
36 services, the intrastate portion of prepaid mobile telephony services,
37 and VoIP service to which the surcharge will apply *Code* for the
38 period of January 1 to December 31, inclusive, of the next
39 succeeding calendar year, but in no event shall the surcharge rate
40 in any year be greater than three-quarters of 1 percent or less than

~~one-half of 1 percent. In making its computation of the charges that are applicable to the intrastate portion of prepaid mobile telephony services, the Office of Emergency Services shall use the computation method developed by the Public Utilities Commission and reported to the Office of Emergency Services pursuant to subdivisions (a) and (b) of Section 319 of the Public Utilities Code. less than fifteen cents (\$0.15) per month or greater than seventy-five cents (\$0.75) per month.~~

(c) When determining the surcharge rates pursuant to this section, the office shall include the costs it expects to incur to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service, consistent with the plan and timeline required by Section 53121 of the Government Code.

(d) The office shall notify the board of the surcharge rate determined pursuant to this section and the surcharge rate applicable to prepaid mobile telephony services by October 15 of each year.

(e) At least 30 days prior to determining the surcharge pursuant to subdivision (a), the Office of Emergency Services shall prepare a summary of the calculation of the proposed surcharge and make it available to the public, the Legislature, the 911 Advisory Board, and on its Internet Web site. The summary shall contain all of the following:

(1) The prior year revenues to fund 911 costs, including, but not limited to, revenues from prepaid service.

(2) Projected expenses and revenues from all sources, including, but not limited to, prepaid service to fund 911 costs.

(3) The rationale for adjustment to the surcharge determined pursuant to subdivision (b), including, but not limited to, all impacts from the surcharge collected pursuant to Part 21 (commencing with Section 42001).

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 3. Section 41030 of the Revenue and Taxation Code, as added by Chapter 926 of the Statutes of 2014, is amended to read:

41030. (a) The Office of Emergency Services shall determine annually, on or before October 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs. The surcharge rate shall be determined by dividing the

~~costs (including incremental costs) the Office of Emergency Services estimates for the current fiscal year of 911 costs approved pursuant to Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services and VoIP service to which the surcharge will apply for the period of January 1 to December 31, inclusive, of the next succeeding calendar year, but in no event shall the surcharge rate in any year be greater than three-quarters of 1 percent nor less than one-half of 1 percent. less than fifteen cents (\$0.15) per month or greater than seventy-five cents (\$0.75) per month.~~

(b) When determining the surcharge rate, the office shall include the costs it expects to incur to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service, consistent with the plan and timeline required by Section 53121 of the Government Code.

(c) At least one month before determining the surcharge rate pursuant to subdivision (a), the office shall prepare a summary of the calculation of the proposed surcharge and make it available to the Legislature and the 911 Advisory Board, and on the office's Internet Web site.

(d) This section shall become operative on January 1, 2020.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to fully fund the "911" emergency telephone number system, it is necessary that this act take effect immediately.

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) There are gaps in public safety protection. Also, accurate caller location information is vital for 911 calls and the safety of Californians.~~

~~(b) Problems with the current 911 systems include: (1) misrouting a call to an entirely incorrect public safety answering point (PSAP), sometimes in a different city or region, and (2) delivery of inaccurate caller location information to the proper PSAP.~~

1 (e) ~~In many areas, approximately 70 to 80 percent of 911 calls~~
2 ~~are made by wireless devices, and in many cases the exact location~~
3 ~~of the caller is not immediately known. Calls are generally~~
4 ~~forwarded to a California Highway Patrol PSAP. The caller is~~
5 ~~queried, the location determined, and the call transferred to a local~~
6 ~~dispatch center. This often results in delays in the arrival of~~
7 ~~emergency medical services responders and the provision of~~
8 ~~important medical care. On some occasions errors in this process~~
9 ~~have resulted in serious injury or death.~~

10 (d) ~~The 911 system is technology dependent, which over the~~
11 ~~years has steadily improved. There are, however, significant~~
12 ~~problems with the 911 system and planning, and recent~~
13 ~~developments in technology and decisions made by the Federal~~
14 ~~Communications Commission (FCC) require the state to reassess~~
15 ~~policies and practices.~~

16 (e) ~~On January 29, 2015, the FCC voted to adopt rules to help~~
17 ~~emergency responders to better locate wireless callers to 911. The~~
18 ~~FCC press release stated:~~

19 ~~“These updates to the Commission’s Enhanced 911 (E911) rules~~
20 ~~respond to Americans’ increasing use of wireless phones to call~~
21 ~~911, especially from indoors, where traditional 911 location~~
22 ~~technologies often do not work effectively or at all. The new rules~~
23 ~~take advantage of technological developments that will allow for~~
24 ~~more accurate location information to be transmitted with indoor~~
25 ~~911 calls.~~

26 ~~The Commission’s E911 rules require wireless providers to~~
27 ~~automatically transmit to 911 call centers information on the~~
28 ~~location of wireless 911 callers, within certain parameters for~~
29 ~~accuracy. These rules, which were adopted in 1996 and underwent~~
30 ~~their last major revision in 2010, enabled wireless providers to~~
31 ~~meet this accuracy standard based solely on the measured~~
32 ~~performance of outdoor wireless 911 calls. However calling habits~~
33 ~~are changing. Many Americans are replacing landlines with~~
34 ~~wireless phones, with more than two out of five U.S. households~~
35 ~~now relying solely on wireless. Most 911 calls are currently made~~
36 ~~from wireless phones, and most wireless calls are made from~~
37 ~~indoors. This increases the likelihood that wireless 911 calls will~~
38 ~~come from indoor environments where traditional location accuracy~~
39 ~~technologies, optimized for outdoor calling, may not work.~~

1 To close this gap in performance, the Commission today updated
2 its E911 rules to include requirements focused on indoor location
3 accuracy. The new rules are intended to help first responders locate
4 Americans calling for help from indoors, including challenging
5 environments such as large multi-story buildings, where responders
6 are often unable to determine the floor or even the building where
7 the 911 call originated.

8 The new rules establish clear and measurable timelines for
9 wireless providers to meet indoor location accuracy benchmarks,
10 both for horizontal and vertical location information. The
11 Commission noted that no single technological approach will solve
12 the challenge of indoor location, and no solution can be
13 implemented overnight. The new requirements therefore enable
14 wireless providers to choose the most effective solutions and allow
15 sufficient time for development of applicable standards,
16 establishment of testing mechanisms, and deployment of new
17 location technology.

18 The new rules were informed by extensive input from
19 stakeholders, including public safety organizations, wireless
20 providers, technology vendors, state and local governments, and
21 public interest groups. The Commission emphasized that its
22 ultimate objective in this proceeding is for all Americans — whether
23 they are calling 911 from urban or rural areas, from indoors or
24 outdoors — to receive the support they need in times of emergency.
25 Today's action takes affirmative steps to make that happen."

26 (f) It is imperative that the State of California perform a review
27 of its 911 emergency communications system policies and
28 procedures, to make changes that reflect technology available now
29 and in the near future, and to make plans to improve the 911 system
30 in order to protect lives.

31 SEC. 2. Section 53122 is added to the Government Code, to
32 read:

33 53122. (a) The Office of Emergency Services shall, by January
34 1, 2017, conduct a comprehensive review of California's 911
35 emergency communications system, including all public safety
36 answering points, available technology, funding needs, and
37 telephone and equipment limitations, and provide a report on its
38 findings to the Legislature. The report shall provide information
39 regarding the accuracy of calls made by mobile devices made in
40 different areas of the state and shall include office

1 ~~recommendations for future investment in services and~~
2 ~~coordination with private and public groups needed to improve~~
3 ~~service and accuracy.~~

4 ~~(b) (1) A report to be submitted pursuant to subdivision (a)~~
5 ~~shall be submitted in compliance with Section 9795.~~

6 ~~(2) Pursuant to Section 10231.5, this section is repealed on~~
7 ~~January 1, 2020.~~